

UNITED STATES DISTRICT COURT

District of Massachusetts

GREGORY F. SANKEY

SUMMONS IN A CIVIL ACTION

V.

THE SHAW GROUP INC. and
STONE & WEBSTER, INC.

CASE NUMBER:

04-12098 RWZ

TO: (Name and address of Defendant)

The Shaw Group Inc.
c/o Kenneth E. Rubinstein, Esq.
Nelson Kinder Mosseau & Saturley, PC
99 Middle Street
Manchester, NH 03101

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Anthony R. Bott, Esq.
Anthony R. Bott, P.C.
Eight Beach Road
P.O. Box 1137
East Orleans, MA 02643

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



CLERK

(By) DEPUTY CLERK

TONY ANASTAS

[Signature]

DATE

SEP 30 2004

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>Dec. 1st, 2004</u>	
NAME OF SERVER (PRINT) <u>Anthony R. Bott, Esq.</u>	TITLE <u>Plaintiff's Attorney of Record</u>	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: Returned unexecuted: ** As reflected in attached true copy of November 19, 2004 certified mail correspondence from my office to Attorney Kenneth E. Rubinstein of Nelson Kinder Mosseau & Saturley, PC, 99 Middle Street, ** XX Other (specify): Manchester NH 03101, Mr. Rubinstein was fully authorized and agreed to accept service of the following documents on behalf of both corporate Defendants: *** (continued below)		
STATEMENT OF SERVICE FEES		
TRAVEL <u>None</u>	SERVICES <u>Not Applicable</u>	TOTAL <u>\$0.00</u>
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p><u>December 1st, 2004</u></p> <p>Executed on _____</p> <p style="text-align: center;">Date</p> </div> <div style="width: 65%;"> <p><u><i>Anthony R. Bott</i></u></p> <p>Signature of Server</p> <p>P.O. Box 1137 8 Beach Road East Orleans, MA 02643</p> <p>_____ Address of Server</p> </div> </div> <p>***</p> <ol style="list-style-type: none"> 1. Summonses 2. Civil Action Cover Sheet 3. Category Sheet 4. Original Complaint and Demand for Jury Trial 5. Amended Complaint and Demand for Jury Trial <p>As the attached true copy of Certified Mail Return Receipt No. 7001 2510 0007 2436 9791 indicates, on <u>November 22, 2004</u> Attorney Rubinstein duly received the above-listed suit documents and service was so consummated.</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

ANTHONY R. BOTT, P.C.

Attorney at Law

EIGHT BEACH ROAD
POST OFFICE BOX 1137
EAST ORLEANS, MASSACHUSETTS 02643

TELEPHONE: (508) 240-2700
NATIONWIDE: 1-800-250-8811
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BOSTON ADDRESS
U.S. POST OFFICE & COURTHOUSE
McCORMACK BUILDING
Post Office Box 1221
Boston, MA 02104-1221

November 19, 2004

Kenneth E. Rubinstein, Esq.
Nelson Kinder Mosseau & Saturley, PC
99 Middle Street
Manchester, NH 03101

VIA CERTIFIED MAIL
(Return Receipt Requested)
No. 7001 2510 0007 2436 9791

RE: Gregory F. Sankey, Plaintiff v.
The Shaw Group Inc. and Stone & Webster, Inc., Defendants
United States District Court, District of Massachusetts Civil Action No.: 04-12198 RWZ
Our File No.: 2004-T/C-2

Dear Attorney Rubinstein:

This first confirms our recent discussions with respect to the above-referenced civil action in which you have assured me that you are fully authorized to accept service on behalf of both corporate Defendants.

Accordingly, enclosed please find the following suit documents:

1. Two (2) copies of the appropriate original Summonses issued in this case (note that I am holding the originals to submit same with my Return/Proof of Service once I have received the Return Receipt for this certified mailing);
2. The Civil Action Cover Sheet;
3. The Category Sheet;
4. The original Complaint and Demand for Jury Trial filed in this matter (without Exhibits);
5. The Amended Complaint and Demand for Jury Trial with the identical Exhibits which accompanied the original Complaint upon filing; and,

6. A true copy of the October 13, 2004 correspondence of this office forwarding the Amended Complaint (duly amended pursuant to FRCP, Rule 15(a)) to the District Court.

As we have agreed and discussed, by this certified mailing to you of the above-referenced and enclosed suit documents, you are formally accepting service on behalf of the named Defendants, The Shaw Group Inc. and Stone & Webster, Inc.

This further confirms that upon receipt by this office of the certified mail receipt confirming delivery of this correspondence and the enclosed documents to you, I will promptly forward to the Court appropriate Returns/Proofs of Service, duly indicating on the back of each original Summons (of which I have provided you full copies) that by agreement the foregoing documents were forwarded to you by Certified Mail on Friday, November 19, 2004 and further indicating the date your office received same.

I will, of course, in addition forward to you copies of said original Summonses with my Return/Proof of Service on the back of each Summons.

Please be hereby further advised that given the numerous admissions of the Defendants irrefutably documented and/or corroborated of record by means of the Amended Complaint Exhibits, we presently expect to file a Motion for Summary Judgment immediately after we receive the Defendants' respective Answers.

Suffice it to say: "Wisdom is the better part of valor."

In the interim, should you have any question whatsoever with respect to the enclosed or foregoing, please contact me immediately.

We much appreciate your ready cooperation in this matter, obviating the need for formally serving this document upon you by other more costly or complicated means.

Very truly yours,

Anthony R. Bott
BBO#: 050540

ARB/ams

Encl.

cc: Gregory F. Sankey

Lisa Urso, Courtroom Clerk for the Honorable Rya W. Zobel

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 2510 0007 2436 9791

Postage	\$ 395
Certified Fee	230
Return Receipt Fee (Endorsement Required)	175
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 800

Postmark: EAST OLEANS, MA 01930

Sent To: **Atty. Kenneth E. Rubinstein, Nelson,
Kinder Mosseu & Saturley, PC**
Street, Apt. No.,
or PO Box No. **99 Middle Street**
City, State, ZIP+4 **Manchester, NH 03101**

PS Form 3800, January 2001 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Received by (Please Print Clearly) J. Holland B. Date of Delivery 11/22/04</p> <p>C. Signature x [Signature] <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>NOV 22 2004</p> <p>Gregory Sankey 2004-T/C</p>
<p>1. Article Addressed to:</p> <p>Kenneth E. Rubinstein, Esq. Nelson Kinder Mosseu & Saturley, PC 99 Middle Street Manchester, NH 03101</p>	<p>3. Service Type -2</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number 7001 2510 0007 2436 9791 (Transfer from service label)</p>	<p>Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
PS Form 3811, March 2001	Domestic Return Receipt 102595-01-M-1424